IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 32579 of 2007(C)

OS.327/2003 of PRINCIPAL SUB COURT,KOLLAM

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PETITIONERS:

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1. SREE GUHANANDAPURAM DEVASWAM,
   DEVASWAM OFFICE, SUBRAMONIAN TEMPLE COMPOUND,
   NADUVATHU CHERRI, THEKKUMBHAGAM VILLAGE,
   REPRESENTED BY ITS SECRETARY, M.NATARAJAN.

2. NATARAJAN, SECRETARY,
   SRI. GUHANANDAPURAM DEVASWAM, AGED 57,
   S/O MADHAVAN PANICKER, RESIDING AT KUTTATHU
   VADAKKATHIL, NADUVATHU CHERRI,
   CHAVARA THEKKUMBHAGAM VILLAGE.

3. VIJAYAN, TREASURER,
   SREE GUHANANDAPURAM DEVASWAM, AGED 59,
   S/O PAPPU, VIJAYAVILASAM, NADUVATHU CHERRI,
   CHAVARA SOUTH VILLAGE.

4. S.JAYARAJAN, AGED 25, S/O SUKUMARAN,
   SUKUMARA MANDHIRAM, NADUVATHU CHERRI,
   CHAVARA SOUTH VILLAGE.

5. MANILAL, AGED 35, S/O RAVEENDRAN,
   RESIDING AT THAZHETHODI, NADUVATHU CHERRI,
   CHAVARA SOUTH VILLAGE.

BY ADV. SRI.A.K.ALEX
SRI.K.P.SURESH KUMAR

RESPONDENTS:

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1. C.N.SHANMUGHAN, AGED 31,
   S/O NARAYANAN, RESIDING AT SHANMUGHA NIVAS,
   NADUVATHU CHERRI, CHAVARA THEKKUMBHAGAM VILLAGE.

2. T.THANKARAJ, AGED 37, S/O THANKAPPAN,
   PRESIDENT SREE GUHANANDAPURAM DEVASWAM,
   NADUVATHU CHERRI, CHAVARA SOUTH VILLAGE NOW AT
   C/O HAJI AND COMPANY, I.P.L DALAVOI SITE,
   TELLADAM, TAMIL NADU.

3. LEKSHMANAN, AGED 76, S/O RAMAN,
   RESIDING AT VADAKKEYATTATHU VEEDU,
   NADUVATHU CHERRI, CHAVARA SOUTH VILLAGE.

4. GOPINATHAN, AGED 70, S/O GOVINDAN,
   RESIDING AT GODANA VILASAM,
   NADUVATHU CHERRI, CHAVARA SOUTH VILLAGE.

5. DAYANANDAN, AGED 56, S/O MADHAVAN,
   RESIDING AT MELOOTTU VADAKKATHIL,
   NADUVATHU CHERRI, CHAVARA,
   THEKKUMBHAGAM VILLAGE.

6. VASANTHA RAJAN, AGED 41,
   S/O DAMODHARAN, RESIDING AT SAVITHRI NIVAS,
   NADUVATHU CHERRI, CHAVARA,
   THEKKUMBHAGAM VILLAGE.

7. DHARMAPALAN, AGED 64, S/O NARAYANAN,
   RESIDING AT PREETHA BHAVAN,
   NADUVATHU CHERRI, CHAVARA THEKKUMBHAGAM VILLAGE.

8. ARAVINDHAKSHAN, AGED 63, S/O GOPALAN,
   RESIDING AT SANTHI MANDIRAM,
   NADUVATHU CHERRI, CHAVARA,
   THEKKUMBHAGAM VILLAGE.

9. SHAJI BABU, AGED 43, S/O KARUNAKARAN,
   RESIDING AT SHYLAJA MANDIRAM,
   NADUVATHU CHERRI, CHAVARA,
   THEKKUMBHAGAM VILLAGE.

10. NANDU, AGED 34, S/O MURALEEDHARAN,
PUTHUMANA VEEDU, NADUVATHU CHERRI,
CHAVARA, THEKKUMBHAGAM VILLAGE.

11. KOCHU PILLAI, AGED 75,
S/O PARAMESWARAN, VISWA BHAVAN,
NADUVATHU CHERRI, THEKKUMBHAGAM VILLAGE.

12. GANGEYAN, AGED 60, S/O KARTHIKEYAN,
KAVALAYIL, NADUVATHU CHERRI,
THEKKUMBHAGAM VILLAGE.

13. KARTHIKEYAN, AGED 65, S/O KRISHNAN,
ULAKKATTU VEEDU, NADUVATHU CHERRI,
THEKKUMBHAGAM VILLAGE.

14. NEELAMBARAN, AGED 57, S/O JANARDHANAN,
PADIYANAYIL VEEDU, NADUVATHU CHERRI,
THEKKUMBHAGAM VILLAGE.

15. THEKKUMBHAGAM SERVICE CO-OPERATIVE
BANK LTD., NO.1731, NADUVATHU CHERRI,
CHAVARA SOUTH P.O., THEKKUMBHAGAM VILLAGE,
REPRESENTED BY ITS SECRETARY.

16. RAJAN PILLAI, AGED ABOUT 50,
ADVOCATE BY PROFESSION, PRESIDENT, THEKKUMBHAGAM,
SERVICE CO-OPERATIVE BANK LTD.,NO.1731,
RESIDING AT KRISHNAVILASAM BANGLOW,
VADAKKUMBHAGAM, CHAVARA SOUTH P.O. PIN 691 584.

17. RAMA RAJU, AGED 40 S/O. SIVANANDAN, RESIDING AT RAJ BHAVAN, NADUVATH CHERRI, CHAVARA SOUTH VILLAGE PIN 691584

18. SHAH NARAYANAN, S/O. NARAYANAN MUMBITHODIL VEEDU,
NADUVATHU CHERRI, CHAVARA SOUTH VILLAGE,PIN 691584.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.32579 of 2007

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Dated this the 2nd day of November, 2007.

JUDGMENT

This Writ Petition is preferred with a prayer to direct the Subordinate Judge, Kollam to consider and dispose of Exts.P4 and P5 and that Ext.P3 final report submitted by the Commissioner is not as per the provisions of Ext.P2 constitution. Ext.P4 is the objection filed to the Commission report with a prayer to reject the report and final list prepared by the Commissioner. Ordinarily in a civil case when a prayer is made for doing a specific act, it is done in the form of an application and even the fundamental aspects which are enshrined in the Civil Rules of Practice are not followed in this case. But technicality shall not defeat the interest of justice and the objection filed by the party has to be considered. As far as Ext.P5 application is concerned, it is for impleadment of the parties.

2. Since the decision in Exts.P4 and P5 will have a direct bearing on the whole process of election, I direct the court below to consider Ext.P4 objection and also Ext.P5 application and pass appropriate orders after hearing all concerned and thereafter proceed to give its final decision on the election process.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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